

REMARKS

Claim Rejections

Obviousness-Type Double Patenting—U.S. Patent Nos. 6,451,088 and 6,626,979

In the Office Action dated September 16, 2004, claims 1-21 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S Patent No. 6,451,088 (“the ‘088 Patent”) and claims 1-19 of U.S. Patent No. 6,626,979 (“the ‘979 Patent”). In the Office Action, the Examiner asserts that “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because the [‘088/’979] step of incorporating at least one seeding agent which prevents the reactive process from passivating or encapsulating a metal value by urging at least one passivating or encapsulating species to at least crystallize, precipitate or otherwise form on or in proximity to the seeding agent as defined in the specification since the specification can always be used as a dictionary...”. Applicants respectfully submit that any concerns regarding obviousness-type double patenting are obviated by Applicants’ terminal disclaimer, which is filed herewith.

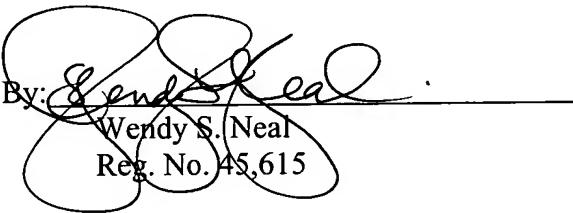
CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the pending claims are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims are earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that amendments should be made to improve the form of the claims, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Moreover, Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

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Respectfully submitted,

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